

ORDINANCE NO. 07-016

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE III. PLANS AND PLATS, DIVISION 3. SUBDIVISION PLATS, OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-347 ENTITLED "SUBDIVISION PLATS" TO ESTABLISH A REVISED FEE SCHEDULE FOR FEES IN CONNECTION WITH REVIEW OF TENTATIVE AND FINAL PLATS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 10, 2007 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose of this ordinance is to establish a revised fee schedule for tentative and final plat review in order to recoup costs for extensive staff review that often undergo multiple revisions and corrections, especially regarding major commercial and residential developments.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article III. Plans and Plats, Division 3. Subdivision Plats, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read, by revising Hialeah Code § 98-347 entitled "Criteria for approval", as follows:

Chapter 98

ZONING

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ARTICLE III. PLANS AND PLATS

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DIVISION 3. SUBDIVISION PLATS

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Sec. 98- 347. Criteria for approval.

No plat or replat required by this division shall be approved until the following requirements have been met:

* * *

(7) *Filing fee.* The payment of a filing fee ~~in the amount of \$150.00~~ is required upon submission of an application for approval of a plat. The required base filing fee is \$750.00 for low density residential development with an additional fee of \$25.00 for each lot identified in the plat. The required base filing fee is \$750.00 for multiple family residential development with an additional fee of \$10.00 for each residential unit within the boundaries of the plat. The required base filing fee for commercial and industrial development is \$1,500 with an additional fee of \$100 for each acre or fraction thereof within the boundaries of the plat. The filing fee is intended to defray the cost of review and consideration of approval by the city of a tentative plat and final plat.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

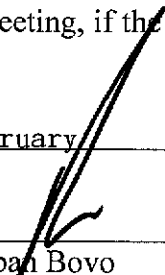
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

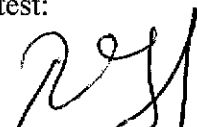
PASSED AND ADOPTED this 13th day of February, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:




Rafael E. Granado, City Clerk

Approved on this 15 day of February, 2007.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.